

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

Demond Trevino McFadden

Case No: 4:09-cr-00238-TLW-1

USM No: 09854-021

Date of Original Judgment: 02/14/2011

Date of Previous Amended Judgment: 01/21/2016

(Use Date of Last Amended Judgment if Any)

Mark C. McLawhorn

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 76 months.

(Complete Parts I and II of Page 2 when motion is granted)

If this sentence is less than the amount of time Defendant has already served, this sentence is reduced to a time-served sentence of imprisonment.

The Court also notes that the President recently commuted Defendant's sentence such that his sentence will expire on April 18, 2017. ECF No. 117. To the extent that the sentence the Court imposes today is higher than the commuted sentence dictated by the President, the President's commuted sentence will control Defendant's release date.

Except as otherwise provided, all provisions of the judgment dated 01/21/2016 shall remain in effect.

IT IS SO ORDERED.

Order Date: 01/10/2017

s/ Terry L. Wooten

Judge's signature

Effective Date: _____
(if different from order date)

Terry L. Wooten, Chief United States District Judge

Printed name and title